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Name of applicant, assignee or Registered Representative

/Anastasia Heffner/

Signature
July 27, 2009

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of:	Michael L. Imundo et al.		
Appln. No.:	09/853,945	Examiner:	Cozart, Jermie E.
Filed:	May 11, 2001	Art Unit:	3726
For:	PROCESS FOR REPAIRING A STRUCTURE	Conf. No.:	6611
Attorney Docket No:	10420/15		

RESPONSE TO NOTICE OF NON-COMPLIANT BRIEF

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In reply to the Office Action dated January 28, 2009, Applicant(s) has filed this Response by Electronic Transmission. Pursuant to the January 16, 2009 Order returning the undocketed appeal to the Examiner, Appellant has not filed an entire new brief. Rather, Appellant has filed this paper to address the Appeal Brief's Summary of Claimed Subject Matter under 37 CFR § 41.37(c)(1)(v), for which correction appears on the following page.

Pursuant to the Order, the Summary of Claimed Subject Matter under 37 CFR § 41.37(c)(1)(v) is addressed below and addresses independent claims 1 and 12.

Summary of Claimed Subject Matter

The subject matter of independent claim 1 relates to a method for repairing a portion of a structure. By way of example, and with reference to the specification at page 4, lines 19-29 and Figure 1, a preferred embodiment discloses the portion of the structure to be repaired as the bulkhead 12 of an aircraft 10. However, as the specification discloses, the structure may be other than an aircraft, such as a ship, building, locomotive, or other structures as disclosed at page 11, lines 27-30. As further disclosed at page 5, lines 17-18 of the specification and at the flow chart of Figure 5, in order to repair the structure, a measuring device 100 is used. As disclosed in the specification beginning at page 5, line 8, and at Figure 4, a multi-axis digital measuring device 40 may be used. As further disclosed at page 5, line 19 and also described in the flow chart at Figure 5, the measuring device is oriented (at nos. 110-130) and measures at least a portion of the structure. In one exemplary embodiment, features for orienting the measuring device are provided on the structure itself (page 6, lines 11-12). As disclosed in the specification, the portion of the structure measured depends upon which portion of the structure is to be repaired (see page 5, line 28 – page 6, line 1; page 6, line 33 – page 7, line 3; Figure 8 (which shows an operator manipulating the measuring device)). Next, the data generated in measuring the structure is saved (see specification, page 6, lines 1-3; Figure 5, no. 160. As further disclosed in the specification, the data may be stored in computer or peripheral memory (see specification, page 5, lines 28-30). As disclosed at page 6, lines 3-9 of the specification and Figure 5, the save data is then exported from measuring machine (at no. 170) to begin automatically manufacturing a repair part (at no. 185). In one exemplary embodiment described at page 10, lines 29-34, the exported data may be imported into a program that allows an engineer to program one or more machines to automatically manufacture repair parts. Figures 10 and 11 depict examples of repair parts being manufactured. Figure 10 shows a panel 92 being drilled on a CNC router, the information relating to the panel coming from data gathered by the measuring device (page 10, lines 13-16). Figure 11 depicts a panel 94 being formed on a press brake by a punch 96 and die 98.

The subject matter of independent claim 12 relates to a method for repairing a sheetmetal portion of a structure. In one exemplary embodiment, the sheetmetal portion of a structure is a planar bulkhead of an aircraft. (See specification, page 4, lines 19-29; page 7, line 32-page 8, line 6; Figure 1). However, as with claim 1, and as the specification discloses, the structure may be other than an aircraft, such as a ship, building, locomotive, or other structures as disclosed at page 11, lines 27-30. As further disclosed at page 5, lines 17-18 of the specification and at the flow chart of Figure 5, in order to repair the structure, a measuring device 100 is used. As disclosed in the specification beginning at page 5, line 8, and at Figure 4, a multi-axis digital measuring device 40 may be used. As further disclosed at page 5, line 19 and also described in the flow chart at Figure 5, the measuring device is oriented (at nos. 110-130) and measures at least a portion of the structure. In one exemplary embodiment, features for orienting the measuring device are provided on the structure itself (page 6, lines 11-12). As disclosed in the specification, which portion of the structure measured depends upon which part of the structure is to be repaired (see page 5, line 28 – page 6, line 1; page 6, line 33 – page 7, line 3; Figure 8 (which shows an operator manipulating the measuring device)). Next, the data generated in measuring the structure is saved (see specification, page 6, lines 1-3; Figure 5, no. 160. As further disclosed in the specification, the data may be stored in computer or peripheral memory (see specification, page 5, lines 28-30). As disclosed at page 6, lines 3-9 of the specification and Figure 5, the save data is then exported from measuring machine (at no. 170) to begin automatically manufacturing a repair part (at no. 185), including sheetmetal repair part (see page 7, line 32 – page 8, line 6). As the specification notes, even with sheetmetal, parts may be manufactured in three dimensions, as opposed to the norm of two dimensions. (see page 7, line 34 – page 8, line 5).

SUMMARY

Appellant requests that this paper be forwarded to the Board of Patent Appeals and Interferences in order for the pending appeal to be docketed.

Respectfully submitted,

Dated: July 27, 2009

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